

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6859

BILL NUMBER: HB 1563

NOTE PREPARED: May 2, 2013

BILL AMENDED: Apr 25, 2013

SUBJECT: Natural Resource Matters.

FIRST AUTHOR: Rep. Eberhart

FIRST SPONSOR: Sen. Yoder

BILL STATUS: Enrolled

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill does the following:

- (1) Repeals certain prohibitions against the possession or use of a silencer while in the act of hunting.
- (2) Provides that a person operating a personal watercraft may not tow a person unless the total number of persons on the personal watercraft and those being towed is less than or equal to the capacity of the personal watercraft. It also changes a provision concerning the carrying capacity for boats.
- (3) Changes the minimum application fee for a roe dealer's license from \$5,000 to \$1,000.
- (4) Adds a designee of the Director of the Department of Natural Resources (DNR) as a member of the Historic Preservation Review Board.
- (5) Allows DNR to include as "minnows" only those species of fish that DNR determines by rule.
- (6) Allows the Natural Resources Commission to set license fees to hunt certain birds.
- (7) Establishes an expiration date for certain yearly hunting and fishing licenses.
- (8) Removes provisions requiring nonresidents to purchase additional hunting licenses if the nonresident's state of residence requires the same of an Indiana resident. The bill also removes a provision that prohibits a nonresident from certain field activities with a dog if Indiana residents are not permitted to do the same in the nonresident's state.
- (9) Allows DNR to establish a date to submit a report of all purchases of furbearing mammals to DNR.
- (10) Provides that a person who takes or possesses a deer or wild turkey: (1) unlawfully; (2) by illegal methods; or (3) with illegal devices while using or possessing a silencer commits a Class C misdemeanor.
- (11) Makes hunting on private land without the permission of the owner a Class B misdemeanor if the person does so while using or possessing a silencer.
- (12) Provides that a person who acts as a water well pump installer without a license commits a Class B

- misdemeanor.
- (13) Reduces all hunter orange violations to a Class D infraction.
 - (14) Amends a provision concerning when an owner of a shooting range is liable for noise or noise pollution.
 - (15) Requires a nonresident of Indiana to acquire a special license to shoot on licensed shooting preserves in Indiana. The bill makes the fee for a special license equal to the fee for a resident annual hunting license and requires DNR to issue the special licenses. It further provides that fees from special licenses to shoot on a shooting preserve are not required to be used by DNR to increase the upland game bird population.
 - (16) Provides that animals regulated under shooting preserve regulations are exempt from importation permit requirements.
 - (17) Removes a provision that makes it a Class B misdemeanor for a person to manufacture, possess, display, offer, sell, lend, give away, or purchase certain knives with blades that open automatically.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Department of Natural Resources* - The bill contains several administrative provisions affecting DNR that should fall within DNR's routine rule-making functions. These include allowing the DNR Commissioner to appoint a designee to attend meetings of the Historic Preservation Review Board, updating the definition of a minnow, changing the expiration date of annual hunting, fishing, and trapping licenses, and changing the date reports are due to DNR from licensed fur buyers.

Repeal of Prohibition of Silencer Use While Hunting - The bill allows the use of a silencer while in the act of hunting. Current law states that use of a silencer (unless the hunter is an authorized employee of DNR or a federal wildlife management agency) is a Class C misdemeanor.

Explanation of State Revenues: *Summary:* The bill contains provisions that will affect licensure revenues to DNR and other provisions that add, standardize, or make revisions to penalty provisions. Most changes related to revenues in the bill will result in minor increases or decreases depending on the specific provision.

Roe Dealer's Licenses: The bill reduces the minimum application fee for a roe dealer's license from \$5,000 to \$1,000 in order to purchase, process, and sell roe. In 2011, the DNR had issued four roe dealer licenses. The reduction in the fee will bring the Indiana fees for the dealer license into line with those being issued by Kentucky. The reduction in revenue associated with the change should be small.

Removal of Reciprocity Requirement for Nonresident Turkey Hunting Licenses, Trapping Licenses, and Field Activities with a Dog (Field Trials): Current law requires that nonresidents who wish to turkey hunt or take part in field trials in Indiana must reside in states that provide similar privileges to Indiana residents or else they must purchase additional annual nonresident licenses or permits for those activities. Current law also requires nonresident trapping licenses be issued only to persons from states that offer reciprocity privileges to Indiana residents. The bill standardizes nonresident license requirements for hunting licenses, trapping licenses, and field trial permits, regardless of the reciprocity requirements of other states.

This provision may decrease revenues to DNR since turkey hunters from states without reciprocity will no longer be required to purchase annual nonresident hunting licenses. Any impact should be small. Turkey hunting licenses for nonresidents are \$120 (\$25 for nonresident youth). Revenues for nonresident trapping licenses may increase if trappers from states without reciprocity may purchase licenses. Trapping licenses for nonresidents are \$140 (\$17 for nonresident youth). Field trial permits are \$10, regardless of state of residence.

Hunting Fees on Game Birds: The bill permits the Natural Resources Commission to increase the fees on hunting migratory waterfowl and game birds. New fee levels which may result will depend on the actions of the Natural Resources Commission.

Shooting Preserves Licenses: This bill may decrease the amount of fee revenue associated with the purchase of nonresident hunting licenses to the extent that out-of-state hunters exclusively hunt on shooting preserves and not on public lands located within the state. The bill requires the DNR to issue a special license with a fee equal to the fee for a resident annual hunting license for nonresident hunters to shoot on a licensed shooting preserve. Currently, a basic resident hunting license is \$17 for a resident and \$80 for a nonresident. DNR also offers a 5-day nonresident license for \$31. Fee revenue could be reduced by \$14 to \$63 per nonresident hunter depending on the license option purchased. Hunting for game birds, turkey, and deer require additional stamp privileges and licenses.

License and stamp revenues are deposited in the Fish and Wildlife Fund and used to support the operation of the Division of Fish and Wildlife.

Importation Permits: The bill provides that captive reared and released species of exotic mammals and pheasant, quail, chukar partridges, properly marked mallard ducks, and other game bird species as determined by DNR rules are not subject to wild animal import permits. Current law requires that any wild animal other than animals intended for exhibition in a zoo or other public display and other animals designated by DNR rules must not be brought into the state without a permit issued by the DNR. An application for a permit must be accompanied by a fee of \$5. The DNR reports there have been no importation permits issued to shooting preserves. This provision should have no fiscal impact.

Penalty Provisions: The bill makes it illegal for personal watercraft to be used on public waters to tow individuals engaged in waterskiing if the total number of people on the watercraft and being towed is more than the capacity of the watercraft. Violation of this provision is a Class C infraction.

The bill specifies that hunting on private land without the permission of the owner while possessing a silencer is a Class B misdemeanor and taking or possessing a deer or wild turkey illegally while possessing a silencer is a Class C misdemeanor.

The bill standardizes all “hunter orange” violations as Class D infractions.

The bill also adds a Class B misdemeanor penalty for installing a water well pump without a license.

Knives with Automatic Blades: The bill removes a Class B misdemeanor penalty for a person to manufacture, possess, display, offer, sell, lend, give away, or purchase certain knives with blades that open automatically. If fewer court cases occur, revenue could decrease. However, any change in revenue is likely to be small.

If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines), and the state General Fund (from court fees) would increase. The maximum fine for a Class C misdemeanor is \$500 and the maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

The maximum judgment for a Class C infraction is \$500, and the maximum judgment for a Class D infraction is \$25; fines would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Explanation of Local Expenditures: *Penalty Provisions:* A Class B misdemeanor is punishable by up to 180 days in jail, and a Class C misdemeanor is punishable by up to 60 days in jail.

Explanation of Local Revenues: *Penalty Provisions:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Department of Natural Resources.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: DNR.

Fiscal Analyst: Kathy Norris, 234-1360; Stephanie Wells, 232-9866.